

Appendix M

AGREEMENT AMONG THE PARTIES AND PROPOSED INTERVENORS

The Parties' agreement in principle set forth the following agreement among the Parties and the Michigan Fisheries Resource Conservation Coalition ("MFRCC"), Stuart Cheney, Robert Andrus and the Walloon Lake Trust and Conservancy relating to intervention motions:

“MFRCC, the Walloon Lake Trust and Conservancy, Stuart Cheney and Robert Andrus (“Proposed Intervenors”) previously have sought and been denied intervention in this case and presently have an appeal pending in the Court of Appeals for the Sixth Circuit from the denial of their most recent motion to intervene. The United States and the Tribes have opposed Proposed Intervenors’ motions to intervene; the State has not. In furtherance of a settlement on the terms and conditions set forth in this Agreement: (1) the Proposed Intervenors agree to voluntarily dismiss their pending appeal pursuant to Fed. R. App. P. 42(b), with the Parties to bear their own costs and attorneys fees, and not to file a new motion to intervene at this time; and (2) the Parties agree that if, in the future, the Proposed Intervenors file a new motion to intervene, the Parties will not claim that they have been prejudiced by, or that such a future motion is untimely because of, the Proposed Intervenors’ withdrawal of their pending appeal or their failure to file a new motion to intervene at this time. Nothing herein shall preclude any party from opposing such a future motion to intervene on any other grounds.”